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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

|   |                       |
|---|-----------------------|
| IRWIN BERKOWITZ, Derivatively on Behalf ) | Case No.: C06-5353-JW |
| of Nominal Defendant AFFYMETRIX, INC., )  |                       |
| )   | (Derivative Action)   |
| Plaintiff, )                              |                       |
| )   |                       |
| vs. )                                     |                       |
| )   |                       |
| STEPHEN P.A. FODOR, et al., )             |                       |
| )   |                       |
| Defendants. )                             |                       |

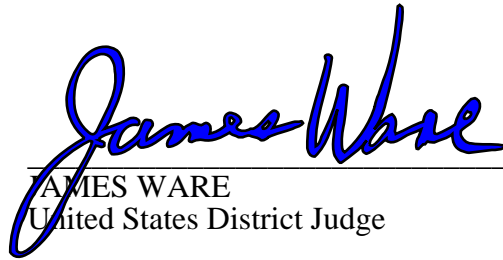
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|--|-----------------------|
| MAXINE HORWICH, Derivatively on Behalf ) | Case No.: C06-5634-JW |
| of Nominal Defendant AFFYMETRIX, INC., ) |                       |
| )  | (Derivative Action)   |
| Plaintiff, )                             |                       |
| )  |                       |
| vs. )                                    |                       |
| )  |                       |
| STEPHEN P.A. FODOR, et al., )            |                       |
| )  |                       |
| Defendants. )                            |                       |

 **PROPOSED ORDER REGARDING SCHEDULE  
FOR ALTERNATIVE DISPUTE RESOLUTION**

**ORDER**

The parties' time to hold an Alternative Dispute Resolution session is extended until May 31, 2007.

Dated: February 15, 2007

  
JAMES WARE  
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/

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## **Mailing Information for a Case 5:06-cv-05353-JW**

### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

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### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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## Mailing Information for a Case 5:06-cv-05634-JW

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- (No manual recipients)